



Wisconsin Elections Commission

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DATE: August 25, 2022

TO: All Wisconsin Election Officials

FROM: Meagan Wolfe
Administrator

SUBJECT: Upcoming Absentee Deadlines – November 8, 2022 General Election

This communication provides reminders and information regarding the upcoming ballot deadlines for the November General Election. Please find information about the following issues related to the upcoming ballot deadlines:

1. The county deadline to provide ballots to all municipalities
2. **The deadline for municipal clerks to send ballots to military and overseas voters—Priority**
3. The deadline for municipal clerks to send ballots to all voters with active requests on file
4. A reminder about the recent change in the definition of temporary overseas voters in Wisconsin

REMINDER:

1. If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, September 22, 2022, the municipal clerk MUST send them the requested ballot no later than

Thursday, September 22, 2022

2. If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on September 23 or September 24, 2022, the municipal clerk MUST send them the requested ballot no later than

Saturday, September 24, 2022

Exception: If the municipal clerk receives a request on Saturday, September 24 and does not normally have office hours on Saturday, the clerk may respond on Monday, September 26 and the response will be considered timely.

With over 900,000 active absentee requests currently on file statewide for the November General Election, we understand that it will be a significant challenge to issue ballots in accordance with all deadlines in state law. Please review the following information as part of your planning process for meeting these deadlines.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

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1. County Ballot Delivery

This is a reminder that counties must deliver ballots to their municipalities no later than the end of the day on Wednesday, September 21, 2022 for the November 8 General Election. This is to ensure that municipalities have sufficient time to fulfill any absentee ballot requests beginning on September 22, 2022, the state deadline for responding to any such requests on file.

We ask that counties please report to the WEC when ballots have been distributed to their municipalities. WEC will follow up with counties who have not confirmed distribution. If a county anticipates any issues with meeting the deadline for distribution, we ask that the county please contact WEC as soon as possible and we can work with the county to ensure municipalities have an option to fulfill absentee ballot requests by the deadline.

2. Upcoming Ballot Deadlines for Military and Overseas Voters

State law requires that municipalities send absentee ballots to their military and overseas electors with requests on file by September 22, 2022 (47 days prior to the election). For this election, the federal deadline follows shortly after on September 24, 2022 (45 days prior to the election). Any requests received after the federal deadline on Saturday, September 24, 2022, must be honored within 1 business day and the ballot must be sent by the method requested by the voter. Any requests that come in after close of business (4:30 p.m.) on Friday, September 23, 2022 or on Saturday, September 24, 2022 can be sent on Monday, September 26, 2022 and still be considered timely.

Military, Temporary Overseas, and Permanent Overseas voters may request to receive their ballot via email or fax and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Voters who request their ballot to be delivered to them online will receive an email notifying them their ballot is ready.

Remember, absentee ballot requests may be received from military, permanent overseas or temporary overseas electors through a MyVote.wi.gov email notification. Please read all MyVote notifications thoroughly to see if you need to mail, fax or email a ballot to a UOCAVA voter. If a military or permanent overseas elector asks to receive the ballot “online” (see Ballot Delivery Method NOT Application Source) then the elector will access the ballot on MyVote and the clerk does not need to send the ballot. If the elector asks to receive the ballot by mail, email or fax, the ballot must be transmitted by the method requested. Please note that temporary overseas electors may not receive ballots through MyVote because they must submit photo identification to the municipal clerk before receiving a ballot.

3. Upcoming Ballot Deadlines for Regular Absentee Voters with Active Requests on File

State law also requires that ballots be sent to regular voters with requests on file “no later than the 47th day before” a general election. Specifically, Wis. Stats § [7.15\(1\)\(cm\)](#) states it is the duty of each municipal clerk to:

Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. [6.34 \(1\)](#), and overseas elector who has requested a

ballot by mail, electronic mail, or facsimile transmission, no later than the 47th day before each partisan primary and general election and no later than the 21st day before each other primary and election **if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received.** The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received. For purposes of this paragraph, "business day" means any day from Monday to Friday, not including a legal holiday under s. [995.20](#). (emphasis added)

It is our belief that local election officials should prioritize meeting the September 22, 2022 ballot delivery deadline for military and overseas voters. Clerks should then make their strongest effort to comply with Wis. Stat. 7.15(1)(cm), which states that all voters with a valid request on file should be sent a ballot by the 47th day prior to a general election.

Please note that in order to see all military or overseas voters in WisVote, it is now a one-step process.

1. Once you are in the **election**, click **Run Report**; select **UOCAVA Absentee Ballot...** from the dropdown.

We understand that clerks may have a huge number of active requests on file from regular absentee voters and that it may be difficult, if not impossible, to meet this deadline. There may be added attention paid to this deadline for this election and we wanted to provide a reminder that this requirement is not new and that the public interest in this election and the rise in absentee ballot requests may lead to an increase in voter questions regarding this deadline.

4. Reminder of Change Related to Temporary Overseas Electors

Temporary Overseas electors are entitled to the same protections as other types of UOCAVA voters. This means that they have the right to receive an absentee ballot electronically (email or fax only) and they may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices. For purposes of UOCAVA, "overseas" means "outside the United States." This change regarding Temporary Overseas voters was first effective with the August 14, 2018 Partisan Primary as communicated in a Clerk Communication dated June 13, 2018.

If a military or overseas voter has a calendar year request for 2022 and did not return an August 9 Partisan Primary ballot, you **must** still send the November 8 General Election ballot. If a voter is indefinitely confined and military or overseas and did not return an August 9 Partisan Primary ballot, you **must** still send them the November 8 General Election ballot. If the indefinitely confined voter does not return their November ballot, then you may send them a 30-day notice after the election that their request will be deactivated if they do not respond.

Resources to Assist You

WEC has created a few new resources to assist you with navigating the processes for military and overseas voters. The first is the [Military and Overseas Voter Manual](#). It will walk you through all of the steps and requirements for assisting these voters and includes the **updated instructions for checking WisVote for compliance**. The new process is much simpler, and you will only have to do one search as opposed to the two you used in the past.

The second is an informational video, titled “Uniformed & Overseas Citizens Absentee Voter Act – UOCAVA”, that can be found on the [Learning Center](#) and our [Vimeo channel](#). There is a recording of the live webinar from June 08, “UOCAVA and You” also available in the Learning Center and on Vimeo. Finally, **we will be holding a live meeting on September 14 at 10:00am for any municipal and county clerks with active military and overseas ballot applications on file**. That invitation will come directly to the clerk’s email.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors are able to cast their ballots. We feel confident that with your cooperation all UOCAVA voters from Wisconsin will receive their ballots on or before the deadlines for the November 8, 2022 General Election and that we will be able to promptly submit the required absentee ballot data to the US DOJ.

If you have any questions, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC Help Desk at elections@wi.gov.